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(718) 224-5431

Attorneys for Plaintiff, ALZAL CORP.

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

ALZAL CORP,	:	Civil Action No. 13 CV 002577
	:	
Plaintiff,	:	
	:	
v.	:	REQUEST FOR CERTIFICATE
	:	OF DEFAULT
INTERNATIONAL FREIGHT CORP.,	:	
METROPOLITAN SHIPPING	:	
LOGISTICS and ULTIMATE BODY AND	:	
TRANSPORT, INC.	:	
	:	
Defendant.	:	

TO: DOUGLAS C. PALMER
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Please enter the default judgment of defendants, INTERNATIONAL FREIGHT CORP., METROPOLITAN SHIPPING LOGISTICS and ULTIMATE BODY AND TRANSPORT, INC., pursuant to Rule 55(a) of the Federal Rules of Civil Procedure for failure to plead or otherwise defend this action as fully appears from the court file and from the attached affirmation of Katie Ambroziak, Esq.

Dated: Bayside, New York
November 1, 2013


By: Katie Ambroziak, Esq.
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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

ALZAL CORP,	:	Civil Action No. 13 CV 002577
	:	
Plaintiff,	:	
	:	
v.	:	AFFIRMATION IN SUPPORT
	:	OF REQUEST FOR CERTIFICATE
INTERNATIONAL FREIGHT CORP.,	:	OF DEFAULT
METROPOLITAN SHIPPING	:	
LOGISTICS and ULTIMATE BODY AND	:	
TRANSPORT, INC.	:	
	:	
Defendant.	:	
	:	

Katie Ambroziak, Esq. hereby declares as follows:

1. I am an associate at Robert Giusti, Esq. & Associates, PLLC, attorneys for the Plaintiff, ALZAL CORP in the above referenced matter.
2. This action was commenced pursuant to 28 U.S.C. §1332.
3. The time for the defendants, INTERNATIONAL FREIGHT CORP., METROPOLITAN SHIPPING LOGISTICS and ULTIMATE BODY AND TRANSPORT, INC., to answer or otherwise move with respect to the complaint herein has expired.
4. Defendants, INTERNATIONAL FREIGHT CORP., METROPOLITAN SHIPPING LOGISTICS and ULTIMATE BODY AND TRANSPORT, INC., have not answered or otherwise moved with respect to the complaint, and the time for defendants, INTERNATIONAL FREIGHT CORP., METROPOLITAN SHIPPING LOGISTICS and ULTIMATE BODY AND TRANSPORT, INC. to answer or otherwise move has not been extended.
5. That defendants, INTERNATIONAL FREIGHT CORP., METROPOLITAN

SHIPPING LOGISTICS and ULTIMATE BODY AND TRANSPORT, INC. are not an infant or incompetent. Defendants are not presently in the military service of the United States as appears from facts in this litigation.

6. Defendants, INTERNATIONAL FREIGHT CORP., METROPOLITAN SHIPPING LOGISTICS and ULTIMATE BODY AND TRANSPORT, INC., are indebted to plaintiff, ALZAL CORP., in the following manner:

Auto Point Ltd. purchased a 2008 Mercedes Benz 4W GL5 bearing vehicle bearing identification number 4JGBF86E68A417133 for \$80,500.00. The title was subsequently assigned to the plaintiff, Alzal Corp., and the plaintiff is currently the owner of the 2008 Mercedes Benz 4W GL5 vehicle bearing identification number 4JGBF86E68A417133. In or about June 2008 Alzal Corp. assigned the vehicle in question to defendant, Metropolitan Shipping Logistics for transport overseas. At this point Metropolitan Shipping Logistics became bailee for the vehicle. Metropolitan Shipping Logistics through its shipping agent, International Freight Corp., then attempted to ship the vehicle out of the country without having the proper title documents with which to do so. The vehicle was seized by US Customs officials in Europe and returned to the United States to the defendant International Freight Corp. Defendants, Metropolitan Shipping Logistics and International Freight Corp., knew or should have known that it was illegal to ship a vehicle out of the United States without proper documents. At some point the Defendants, Metropolitan Shipping Logistics and International Freight Corp., received the vehicle back from the U.S. Customs Bureau but inexplicably refused to return the subject vehicle to Auto Point Ltd. the predecessor in interest to Alzal Corp. Instead Metropolitan Shipping Logistics illegally gave the vehicle to Ultimate Body & Transport Inc. for the alleged purpose of performing body and fender repairs. Metropolitan Shipping Logistics as bailee was not authorized to commit the vehicle for repairs of any sort. The Notice of Lien and Sale from Ultimate Body & Transport Inc. charged for storage and towing none of which needed to be done. The vehicle had no

damage so the alleged repair for \$6,250.00 again was neither authorized nor necessary. When an officer of plaintiff Alzal Corp., went to Ultimate Body & Transport Inc. on the date of sale which was April 20, 2009 the vehicle was not there and no sale took place. When an officer of plaintiff Alzal Corp. was told the vehicle was shipped out of the country without title documents he went to Metropolitan Shipping Logistics with the local police to insist on the return of his vehicle. Metropolitan Shipping Logistics advised that when they received the vehicle back from U.S. Customs they would call him and he could pick up the vehicle. The call never came and the plaintiff to this day does not have the vehicle or know of its whereabouts.

7. WHEREFORE, plaintiff ALZAL CORP. requests that the default of the defendants, INTERNATIONAL FREIGHT CORP., METROPOLITAN SHIPPING LOGISTICS and ULTIMATE BODY AND TRANSPORT, INC. be noted and a certificate of default be issued.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information and belief, that the amount claims is justly due to plaintiff, and that no part thereof has been paid.

Dated: Bayside, New York
November 1, 2013


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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

ALZAL CORP,	:	Civil Action No. 13 CV 002577
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Plaintiff,	:	
	:	
v.	:	CERTIFICATE OF DEFAULT
	:	
INTERNATIONAL FREIGHT CORP.,	:	
METROPOLITAN SHIPPING	:	
LOGISTICS and ULTIMATE BODY AND	:	
TRANSPORT, INC.	:	
	:	
Defendant.	:	
	:	

I, Douglas C. Palmer, Clerk of the Court of the United States District Court for the Eastern District of New York, do hereby certify that the defendants INTERNATIONAL FREIGHT CORP., METROPOLITAN SHIPPING LOGISTICS and ULTIMATE BODY AND TRANSPORT, INC. have not filed an answer or otherwise moved with respect to the complaint herein. The default of defendants INTERNATIONAL FREIGHT CORP., METROPOLITAN SHIPPING LOGISTICS and ULTIMATE BODY AND TRANSPORT, INC. is hereby noted pursuant to Rule 55(a) of the Federal Rules of Civil Procedure.

Dated: New York, New York
November ____, 2013

DOUGLAS C. PALMER

By: _____
Deputy Clerk